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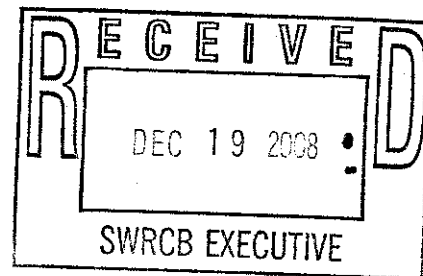
Thomas D. Cumpston
General Counsel

In Reply Refer To: FML1208-329

December 19, 2008

Tam M. Doduc, Chair and Members
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

SUBJECT: PROPOSED RECYCLED WATER POLICY



Dear Chair Doduc and Members of the Board:

El Dorado Irrigation District (EID) appreciates the opportunity to provide comments on the proposed Recycled Water Policy. Increased use of recycled water is critical to California's water supply future, and the policy should facilitate the beneficial use of recycled water for irrigation and groundwater recharge, among other uses. We are aware that the Association of California Water Agencies, the California Association of Sanitation Agencies and the WaterReuse Association (the Associations) have submitted comments on the proposed Policy, and we endorse the language changes the Associations have recommended. We support the overall structure and approach of the November 2008 proposed Policy and believe it is a significant improvement over the previous drafts. The proposed Policy also tracks the September 2, 2008 draft prepared by a group of water industry and nongovernmental organization stakeholders.

EID started its recycle water program in the mid 1990's. Currently, EID owns and operates two water recycling facilities and produces approximately 3,500 acre-feet of Title 22 recycled water annually for irrigation purposes. EID has over 3,600 recycled water accounts; the majority of these are for single-family dual plumbed homes. As new development continues, EID has the potential to expand our recycled water program to produce nearly 7,000 acre-feet of recycled water annually for irrigation. In order for EID to continue with our recycle water program and to meet this water recycling goal, we need a policy that supports the production and use of recycled water, is reasonable to execute, and conserves the limited financial resources of our utility district and our customers. Therefore, we urge the State Water Board to consider additional revisions to the proposed Policy in order to provide greater clarity and increase the feasibility and practicality of implementation.

Salt and Nutrient Management Plans:

One of our major concerns with the earlier State Water Board draft of the Policy was the requirement that individual water recycling projects be tasked with completion of salt plans. We are pleased that the November 2008 version recognizes that salt and nutrient issues within groundwater basins cannot be resolved by focusing on recycled water use, and that the proper approach to addressing these issues is through locally controlled and driven plans, developed by broad groups of stakeholders, including the Regional Water Boards.

We are concerned, however, that the Policy does not limit the salt and nutrient planning requirement to those basins where beneficial uses are impaired or threatened. While the Policy recognizes that the plans may vary in complexity, the plans are still required for all basins. Since the development and implementation of the plans is critical in some areas, but not everywhere, it is important for the Policy to clearly prioritize where plans should be developed, so that limited public resources can be devoted to areas of real concern. We also do not believe that groundwater monitoring for salts and nutrients is necessary, or even feasible, in every basin and sub-basin in this large and diverse state. Finally, the organization and structure of this section should be improved to provide a more useful outline of how to proceed with these plans.

In addition, the proposed policy states "...local water and wastewater entities, together with local salt/nutrient contributing stakeholders, have agreed to fund...salt and nutrient management plans for each basin / sub basin in California..." Agreement to fund these plans would require board action and approval by EID's Board of Directors. This item has not been before our Board of Directors since we do not know the extent of the scope of work and the associated costs. We recommend using the stakeholder draft language of "will fund" rather than "have agreed to fund".

Specification of Monitoring Frequencies

Another concern raised during the debate over the previous draft of the Policy was a concern that many of the proposed provisions were far too specific and "permit like" for Board policy. For the most part, the current draft avoids this flaw and strikes the appropriate note of broad goals and guidance. One exception is in the area of monitoring requirements. In several places, the draft Policy would mandate a particular minimum monitoring frequency, without regard to the circumstances of the project. We do not believe this is appropriate, and recommend that the monitoring frequencies be deleted from the sections dealing with landscape irrigation (Section 7(b)(4)). Installation of groundwater monitoring wells and requirements of groundwater sampling and monitoring studies could deem our existing recycle water program infeasible.

With regard to chemicals of emerging concern (CECs), both sections should state that monitoring for these constituents may be required in accordance with the expert panel recommendations. It should be required that the expert panel takes into

consideration the feasibility and financial impact on recycle water producers for the monitoring requirements of CEC's.

Incidental Runoff

Incidental runoff, by definition, consists of small amounts of unintentional runoff from irrigation projects. This is no different from the runoff that occurs in any irrigation project, regardless of the source of water used. We agree with the associations that the Policy should state that incidental runoff does not pose a threat to water quality. In addition, we share the concern that the new language regarding incidental runoff is overly detailed and prescriptive for a Policy, and that conditions regarding practices that are appropriate for a particular site should be left to the permitting process.

To address this concern, we propose that the language be revised to delete the specific requirements set forth in Section 7.a.1 through 4 and Section 7.b.3 (a) and (d) and replaced with a statement that water recyclers shall develop and implement an operations and management plan that provides for compliance with the site control requirements of Title 22.

Thank you for the opportunity to provide comments on the proposed Policy. If you would like to contact me regarding the comments in this letter, you can reach me at (530) 642-4146.

Sincerely,

EL DORADO IRRIGATION DISTRICT



Elizabeth D. Wells
Engineering Manager
Wastewater / Recycled Water Division

Enclosure

c: Brian Mueller, Director of Engineering
Vickie Caulfield, Operations Division Manager